

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nelson offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 355 and 356, insert:

5 Section 6. Subsection (1) of section 903.14, Florida
6 Statutes, is amended to read:

7 903.14 Contracts to indemnify sureties.—

8 (1) A surety shall file with the bond an affidavit stating
9 the amount and source of any security or consideration which the
10 surety or anyone for his or her use has received or been
11 promised for the bond. The affidavit may be filed in person or
12 electronically.

13 Section 7. Paragraph (b) of subsection (1), paragraph (a)
14 of subsection (2), and subsection (3) of section 903.26, Florida
15 Statutes, are amended to read:

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16 903.26 Forfeiture of the bond; when and how directed;
17 discharge; how and when made; effect of payment.-

18 (1) A bail bond shall not be forfeited unless:

19 (b) The clerk of court gave the surety at least 72 hours'
20 notice, exclusive of Saturdays, Sundays, and holidays, before
21 the time of the required appearance of the defendant. Notice
22 shall not be necessary if the time for appearance is within 72
23 hours from the time of arrest, or if the time is stated on the
24 bond. Such notice may be mailed or electronically transmitted.

25 (2) (a) If there is a breach of the bond, the court shall
26 declare the bond and any bonds or money deposited as bail
27 forfeited. The clerk of the court shall mail or electronically
28 transmit a notice to the surety agent and surety company ~~in~~
29 ~~writing~~ within 5 days after ~~of~~ the forfeiture. A certificate
30 signed by the clerk of the court or the clerk's designee,
31 certifying that the notice required herein was mailed or
32 electronically transmitted on a specified date and accompanied
33 by a copy of the required notice, shall constitute sufficient
34 proof that such mailing or electronic transmission was properly
35 accomplished as indicated therein. If such mailing or electronic
36 transmission was properly accomplished as evidenced by such
37 certificate, the failure of the surety agent, of a company, or
38 of a defendant to receive such ~~mail~~ notice shall not constitute
39 a defense to such forfeiture and shall not be grounds for
40 discharge, remission, reduction, set aside, or continuance of
41 such forfeiture. The forfeiture shall be paid within 60 days of
42 the date the notice was mailed or electronically transmitted.

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43 (3) Sixty days after the forfeiture notice has been mailed
44 or electronically transmitted:

45 (a) State and county officials having custody of forfeited
46 money shall deposit the money in the fine and forfeiture fund
47 established pursuant to s. 142.01.~~†~~

48 (b) Municipal officials having custody of forfeited money
49 shall deposit the money in a designated municipal fund.~~†~~

50 (c) Officials having custody of bonds as authorized by s.
51 903.16 shall transmit the bonds to the clerk of the circuit
52 court who shall sell them at market value and disburse the
53 proceeds as provided in paragraphs (a) and (b).

54 Section 8. Subsections (1) and (2) of section 903.27,
55 Florida Statutes, are amended to read:

56 903.27 Forfeiture to judgment.—

57 (1) If the forfeiture is not paid or discharged by order
58 of a court of competent jurisdiction within 60 days and the bond
59 is secured other than by money and bonds authorized in s.
60 903.16, the clerk of the circuit court for the county where the
61 order was made shall enter a judgment against the surety for the
62 amount of the penalty and issue execution. However, in any case
63 in which the bond forfeiture has been discharged by the court of
64 competent jurisdiction conditioned upon the payment by the
65 surety of certain costs or fees as allowed by statute, the
66 amount for which judgment may be entered may not exceed the
67 amount of the unpaid fees or costs upon which the discharge had
68 been conditioned. Judgment for the full amount of the forfeiture
69 shall not be entered if payment of a lesser amount will satisfy
70 the conditions to discharge the forfeiture. Within 10 days, the

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71 clerk shall furnish the Department of Financial Services and the
72 Office of Insurance Regulation of the Financial Services
73 Commission with a certified copy of the judgment docket and
74 shall furnish the surety company at its home office a copy of
75 the judgment, which shall include the power of attorney number
76 of the bond and the name of the executing agent. If the judgment
77 is not paid within 35 days, the clerk shall furnish the
78 Department of Financial Services, the Office of Insurance
79 Regulation, and the sheriff of the county in which the bond was
80 executed, or the official responsible for operation of the
81 county jail, if other than the sheriff, two copies of the
82 judgment and a certificate stating that the judgment remains
83 unsatisfied. When and if the judgment is properly paid or an
84 order to vacate the judgment has been entered by a court of
85 competent jurisdiction, the clerk shall immediately notify the
86 sheriff, or the official responsible for the operation of the
87 county jail, if other than the sheriff, and the Department of
88 Financial Services and the Office of Insurance Regulation, if
89 the department and office had been previously notified of
90 nonpayment, of such payment or order to vacate the judgment. The
91 clerk may furnish documents or give notice as required in this
92 subsection by mail or electronic means. The clerk shall also
93 immediately prepare and record in the public records a
94 satisfaction of the judgment or record the order to vacate
95 judgment. If the defendant is returned to the county of
96 jurisdiction of the court, whenever a motion to set aside the
97 judgment is filed, the operation of this section is tolled until
98 the court makes a disposition of the motion.

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99 (2) A certificate signed by the clerk of the court or her
100 or his designee, certifying that the notice required in
101 subsection (1) was mailed or electronically delivered on a
102 specified date, and accompanied by a copy of the required notice
103 constitutes sufficient proof that such mailing or electronic
104 delivery was properly accomplished as indicated therein. If such
105 mailing or electronic delivery was properly accomplished as
106 evidenced by such certificate, the failure of a company to
107 receive a copy of the judgment as prescribed in subsection (1)
108 does not constitute a defense to the forfeiture and is not a
109 ground for the discharge, remission, reduction, set-aside, or
110 continuance of such forfeiture.

111 Section 9. Subsection (1) of section 903.31, Florida
112 Statutes, is amended to read:

113 903.31 Canceling the bond.—

114 (1) Within 10 business days after the conditions of a bond
115 have been satisfied or the forfeiture discharged or remitted,
116 the court shall order the bond canceled and, if the surety has
117 attached a certificate of cancellation to the original bond, the
118 clerk of the court shall mail or electronically furnish an
119 executed certificate of cancellation to the surety without cost.
120 An adjudication of guilt or innocence, an acquittal, or a
121 withholding of an adjudication of guilt shall satisfy the
122 conditions of the bond. The original appearance bond shall
123 expire 36 months after such bond has been posted for the release
124 of the defendant from custody. This subsection does not apply to
125 cases in which a bond has been declared forfeited.
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T I T L E A M E N D M E N T

Remove line 27 and insert:
on the appraiser's website; amending s. 903.14, F.S.;
permitting the electronic filing of certain
affidavits; amending s. 903.26, F.S.; authorizing a
clerk of court to mail or electronically transmit a
notice relating to a bond forfeiture proceeding;
amending s. 903.27, F.S.; permitting a clerk of court
to furnish certain required documents and notices
relating to bond forfeitures by mail or electronic
means; amending s. 903.31, F.S.; providing that a
certificate of cancellation of an original bond may be
furnished by mail or electronically; providing an
effective